

progeny, and bananas. Based on information received from the Puerto Rico Department of Agriculture, EPA acknowledges that Puerto Rico has an existing special local need registration for granular carbofuran use on bananas and plantains. This minor use will now be allowed in both Hawaii and Puerto Rico, subject to the overall sales limitations.

FMC must direct a minimum of 2,500 pounds/ai/year, out of the total 250,000 pounds, or more at their discretion, to areas where the five minor use crops are grown during the 1995 and 1996 use seasons.

For 1997 and subsequent years, sales by FMC will be limited to 2,500 pounds/ai/year for use only on the five minor use sites.

For the purpose of this action, the 1995 "use season" begins September 1, 1994 and ends August 31, 1995. Similarly, the 1996 use season begins September 1, 1995 and ends August 31, 1996.

Existing stocks of the 1995 production in the possession of dealers and growers may be sold, distributed or used until August 31, 1996. Existing stocks of 1996 production in the possession of dealers and growers may be sold, distributed, or used until August 31, 1997.

For each use season during which FMC sells granular carbofuran for domestic use, FMC must submit to EPA a report by October 15 containing FMC's 2G, 3G, 5G, 10G, and 15G carbofuran production and sales totals for domestic use for the immediately preceding use season. FMC must also provide EPA with batch and key numbers for granular carbofuran products produced for the 1995 and 1996 domestic use season.

The production and sales limits in this Notice do not include the 10CR formulation of carbofuran, which FMC markets only for use on canola under FIFRA section 24(c) registrations.

The canola use differs somewhat from other uses because of a lower application rate (0.25 lbs/ai/acre). The 10 CR formulation differs from other granular carbofuran formulations in the use of a corn cob carrier rather than a sand-core granule. The canola use was not included in the Special Review; the Agency is currently evaluating the risks and benefits of this use.

#### VI. Procedural Matters

In order to effectuate the extension on rice, FMC must submit applications for amended registrations and revised product labels. These amendments will not be accepted by EPA until all the limitations and conditions in this Notice have been satisfied.

The settlement agreement concluding the Special Review of granular carbofuran in 1991 provided for one opportunity for FMC Corp. to present additional information related to the risks and benefits of granular carbofuran use on corn, sorghum and rice. EPA has fulfilled that provision of the agreement. EPA will not consider any additional requests for extensions or reinstatement of use on any site under the provisions of the settlement agreement. By the terms of the amended registration, FMC's registration for use of granular carbofuran on rice will expire no later than September 1, 1996, without order or hearing.

In the settlement agreement with EPA, FMC waived any right it may have to challenge or appeal the Office Director's decision regarding the extension of use of granular carbofuran to an administrative law judge, the EPA Administrator, or the courts. Nothing in this Notice affects that waiver.

Any additional applications to amend any granular carbofuran registration which FMC may submit after the publication date of this Notice may be denied by EPA unless FMC has submitted substantial new evidence which materially changes the Agency's assessment of the risks and benefits of the use of carbofuran and which was not previously available to either EPA or FMC. For the rice use, for example, the new evidence would need to include, at a minimum, site-specific, scientifically sound, wildlife monitoring data, and a quantitative assessment of the relative effect on waterfowl and other wildlife of carbofuran use versus clean farming.

Consistent with the applicable provisions of FIFRA, EPA may consider, on a case-by-case basis, requests for emergency uses of granular carbofuran under FIFRA section 18 and special local needs registrations submitted by states under FIFRA section 24(c).

All provisions of the 1991 settlement agreement not specifically amended by this Notice remain in effect.

#### VII. Public Record

The Office of Pesticide Programs' public docket is located in room 1132, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, Va. The carbofuran docket and index are available for inspection and copying from 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

The docket for carbofuran (OPP-30000/48E) contains: the complete text of all comments received in response to 59 FR 17530; a memorandum summarizing the comments and detailing EPA's responses to them; EPA's assessment of the potential risk to

threatened and endangered species associated with rice; and other documents and correspondence related to the granular carbofuran Special Review and negotiated settlement agreement.

#### List of Subjects

Environmental protection, pesticides and pest.

Dated: February 22, 1995.

**Daniel M. Barolo,**

*Director, Office of Pesticide Programs.*

[FR Doc. 95-5020 Filed 2-28-95; 8:45 am]

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[OPP-00403; FRL-4939-1]

#### Pesticide Products Used to Disinsect Aircraft; Notice of Availability of Draft Policy and Request for Comments

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Agency has received information which raises questions concerning the potential human health risks associated with the use of insecticide spray products in occupied aircraft cabins. The United States has not required the spraying of aircraft since 1979 and the Agency believes that this policy has not encouraged the spread of any insectborne communicable diseases. EPA is soliciting comments on the Agency's draft Pesticide Regulation (PR) Notice which proposes strict measures to prevent human exposure to any pesticide product (insecticide) used for disinsecting aircraft. The proposed draft PR Notice is entitled, "Pesticide Products Used to Disinsect Aircraft." Interested parties may request a copy of the Agency's proposed policy as set forth in the ADDRESSES unit of this notice.

**DATES:** Written comments, identified by the docket number [OPP-00403], must be received on or before April 17, 1995.

**ADDRESSES:** The draft PR Notice is available from Rame' Cromwell, By mail: Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Westfield Building, 2800 Crystal Drive, Arlington, VA, (703) 308-8377. Submit written comments to: By mail: Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington,

DC 20460. In person bring comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed text and any written comments will be available for public inspection in Rm. 1128 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Rame' Cromwell (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Westfield Building, 2800 Crystal Drive, Arlington, VA, (703) 308-8377.

**SUPPLEMENTARY INFORMATION:** The draft PR Notice provides explicit label statements prohibiting the use of insecticide products in occupied cabins of aircraft. It also provides registrants with two choices to comply: (1) Registrants of disinsection products with labels that permit use in occupied cabins and who seek to continue that use must generate and submit data to demonstrate that the use in occupied aircraft cabins does not pose unreasonable adverse effects to human health, and (2) registrants of all other disinsection products for use in aircraft should revise their labels in accordance with the instructions contained in the draft PR Notice to clearly prohibit use of their products in occupied aircraft cabins. This **Federal Register** notice announces the availability of the draft PR Notice and solicits comment. If, after reviewing any comments, EPA determines that changes are warranted, the Agency will revise the draft PR Notice prior to release.

#### List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 21, 1995.

**Stephen L. Johnson,**

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95-5018 Filed 2-28-95; 8:45 am]

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[OPP-50806; FRL-4937-7]

#### Receipt of an Application for an Experimental Use Permit of a Transgenic Plant Pesticide

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received an application (65247-EUP-R) from Calgene, Inc., of Davis, California, requesting an Experimental Use Permit (EUP) to conduct field testing of a transgenic plant pesticide. The first EUP for field testing of a genetically altered cotton plant having pesticidal properties was issued on April 10, 1992. EPA has determined that this permit may be of regional and national significance.

**DATES:** Written comments must be received on or before March 31, 1995.

**ADDRESSES:** Comments, in triplicate should bear the docket control number OPP-50806 and be submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Crystal City, VA 22202.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Janet L. Andersen, Acting Director, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: CS1 5th floor, 2800 Crystal

Drive, Crystal City, VA 22202 (703-308-8712).

**SUPPLEMENTARY INFORMATION:** An application for an EUP pursuant to EPA's Statement of Policy entitled "Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act", published in the **Federal Register** of June 26, 1986 (51 FR 23313), was received on January 17, 1995, from Calgene, Inc. of Davis, California (65247-EUP-R).

Calgene, Inc. proposes to experiment in the field for 1 year, beginning April 1, 1995, with a transgenic insect resistant cotton plant which expresses a *Bacillus thuringiensis* subsp. *kurstaki* (B.t.k.) cryIA(c) segment within the plant cells. *Bacillus thuringiensis* subsp. *kurstaki* protein will be present at no more than .001 percent of the total weight of the cottonseed. The cryIA(c) gene of *Bacillus thuringiensis* is transferred to cotton via the Ti plasmid of *Agrobacterium tumefaciens*, a vector system which has been used to stably transform many plant pesticides. All transgenic plants to be used in this field trial are upland cotton *Gossypium hirsutum*.

The 1995 Program as proposed by Calgene, Inc. will include four types of field trials. Target lepidopteran pests include: *Helicoverpa zea* (Cotton bollworm); *Pectinophora gossypiella* (Pink bollworm); *Heliothis virescens* (Tobacco budworm); *Spodoptera exigua* (Beet armyworm), *Spodoptera frugiperda* (Fall armyworm) and other lepidopteran insects pest of cotton. A total of 2,460 pounds of transgenic cottonseed will be planted on 0.5 to 20 acre sites for a total of 164 acres. The total amount of active ingredient used for 164 acres will be 11.3 grams, the amount of active ingredient to be tested per state is less than 1.5 gram. Testing will be conducted from April 1, 1995 to December 15, 1995, at research stations or seed production fields in the following states: Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas.

A breeding nursery trial will be conducted to: (1) Evaluate and compare the efficacy of transgenic strains in control of lepidopteran target pests; (2) evaluate and select for agronomic performance of prospective strains for commercialization, and (3) evaluate production of purity blocks to minimize variability of seed within potential strains for commercialization. Strain trials will be conducted to compare advanced *Bacillus thuringiensis* cotton